

Message Text

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ACTION EA-12

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FM USLO PEKING
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C O N F I D E N T I A L PEKING 2046

E.O. 11652: GDS
TAGS: CASC, PFOR, SHUM, CH (KELLY, DANIEL) (LIU, BERTHA),

SUBJ: DEMARCH ON BEHALF OF US CITIZENS IN CHING

REF: PEKING 1708

1. SUMMARY. ON SEPTEMBER 8 AMBASSADOR WOODCOCK MET WITH THE DEPUTY DIRECTOR OF MFA'S CONSULAR DEPARTMENT, KAO SHIH, KUN, TO DISCUSS THE CASES OF DANIEL KELLY, BERTHA LIU, AND CHAO YUN-HUI. ALL THREE ARE US CITIZENS, NOW IN CHINA WHO DESIRE TO REJOIN FAMILIES IN THE U.S. KAO RESPONDED POSITIVELY AND COMMITTED HIMSELF TO CONTACT THE THREE THROUGH PUBLIC SECURITY BUREAU AND INFORM THEM THAT THEY COULD APPLY FOR EXIT PERMISSION. KAO MADE IT CLEAR, HOWEVER, THAT MFA HAS NO SAY IN ISSUANCE OF TRAVEL DOCUMENTATION TO PRIVATE PRC CITIZENS. THE MEETING APPEARS TO BE A STEP FORWARD IN OUR EFFORTS ON BEHALF OF KELLY, LIU, AND CHAO. END SUMMARY.

2. ACCOMPANIED BY USLO CONOFF AMBASSADOR WOODCOCK MET WITH DEPUTY DIRECTOR MFA CONSULAR DEPARTMENT KAO SHIH-KUN ON SEPTEMBER 8 TO DISCUSS POSSIBLE REPATRIATION OF THREE U.S. CITIZENS NOW LIVING IN CHINA, DANIEL KELLY, BERTHA LIU, AND CHAO YUN-HUI (SEE PEKING 1708). DIRECTOR SUGGESTED THIS MEETING TO ASSISTANT
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SECRETARY HOLBROOK WHEN THE SUBJECT WAS RAISED DURING SECRETARY VANCE'S VISIT.

3. THE PRESENTATION TO KAO WAS BASICALLY A REQUEST FOR MFA ASSISTANCE IN OBTAINING PRC PASSPORTS AND EXIT PERMITS FOR THE THREE AMERICANS. THIS WAS DONE TO AVOID A CONFRONTATION OVER THE CITIZENSHIP

ISSUE WHICH HAD MUDDIED OUR PREVIOUS EXCHANGES WITH MFA ON THESE AND SIMILAR CASES. AMBASSADOR WOODCOCK EMPHASIZED THAT USLO WOULD RECOGNIZE THE VALIDITY OF ANY PRC DOCUMENTATION TO FACILITATE THE REUNIFICATION OF FAMILIES IN THE US, AND THAT THE REQUEST WAS BEING MADE ON HUMANITARIAN GROUNDS.

4. KAO RESPONDED BY SAYING THAT ACCORDING TO AMERICAN LAW THE THREE WERE CONSIDERED US CITIZENS BUT IN CHINA ONLY THEIR CHINESE CITIZENSHIP IS TAKEN INTO ACCOUNT. WHETHER THEY DECIDE TO BECOME AMERICANS AFTER ARRIVING IN THE UNITED STATES IS ANOTHER MATTER.

5. KAO SAID THAT HE UNDERSTOOD THAT REUNIFICATION OF FAMILIES RATHER THAN NATIONALITY WAS THE ISSUE. EXIT PERMISSION, HOWEVER, WAS NOT IN THE MFA AREA OF RESPONSIBILITY AND THE THREE PERSONS IN QUESTION SHOULD APPLY FOR TRAVEL DOCUMENTATION THROUGH THE PUBLIC SECURITY UNITS. AS KAO PUT IT, "IF THEY HAVE SUITABLE REASONS FOR GOING TO THE UNITED STATES, OF COURSE THEY MAY GO".

6. AS BERTHA LIU MAY BE CONSIDERED A US CITIZEN BY THE PRC AS WELL, WE ASKED FOR CLARIFICATION OF HER CITIZENSHIP STATUS. USLO RECORDS SHOW THAT THE CHINESE CON-
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SIDER HER TO BE A UNITED STATES CITIZEN BUT KAO HIMSELF DID NOT SEEM FAMILIAR WITH THE CASE. ADMITTING THAT CHINA HAS NO NATIONALITY LAW AS SUCH, KAO SAID THAT ACCORDING TO PRC PRACTICE A CHILD BORN IN CHINA OF TWO CHINESE PARENTS WHO HAD BEEN NATURALIZED AS FOREIGN CITIZENS, WOULD NOT ITSELF BE CONSIDERED A CHINESE CITIZEN. AS THIS WAS THE CASE WITH BERTHA LIU, KAO COMMITTED HIMSELF TO RESEARCH THE MATTER AND INFORM US OF THEIR DETERMINATION.

7. RETURNING TO THE MFA POSITION THAT THE THREE COULD, IN PRINCIPLE, TRAVEL TO THE US., WE IMPLIED THAT WE INTENDED TO CONTACT KELLY, LIU, AND CHAO DIRECTLY AND INSTRUCT THEM TO APPLY FOR EXIT PERMISSION. WITHOUT FORBIDDING THIS KAO SAID FIRMLY THAT MFA WOULD CONTACT THEM, AND WHEN PRESSED FOR A FIRM COMMITMENT, HE SAID THAT MFA WOULD CONTACT THEM INDIRECTLY THROUGH THEIR LOCAL SECURITY UNITS WITHIN THE COMING WEEK TO INFORM THEM TO MAKE APPLICATIONS FOR PASSPORTS AND ASK PERMISSION.

8. COMMENT: WE REALIZE THAT THE MFA COMMITMENT TO CONTACT THE THREE HARDLY PRESAGES PUBLIC SECURITY APPROVAL OF THEIR EXIT PERMITS. HOWEVER, THIS MEETING DOES REPRESENT A DEPARTURE FROM THE HARSH MFA REACTION TO US REPRESENTATION ON BEHALF OF THE THREE THAT USLO HAD PREVIOUSLY ENCOUNTERED IN 1974. KAO COULD WELL HAVE ENDED THE MEETING EARLY BY REFUSING TO ENTERTAIN ANY REPRESENTATION BY A FOREIGN GOVERNMENT ON BEHALF OF CHINESE CITIZENS. YET KAO WAS FRIENDLY, AND MORE THAN THIS, HE WAS NOT RETICENT IN RESPONDING TO QUESTIONS, AND WAS WILLING TO COMMIT HIMSELF TO FOLLOW THROUGH. WE BELIEVE THE MEETING DOES SIGNIFY SOME PROGRESS IN OUR EFFORTS TO RESOLVE THESE LONGSTAND-
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ING CASES.

9. FULL TEXT OF MEETING BEING SENT VIA AIR POUCH.
WOODCOCK

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Enclosure: n/a
Executive Order: GS
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Retention: 0
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TAGS: CASC, PFOR, SHUM, CH, US, (KELLY, DANIEL), (LIU, BERTHA)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/05058648-c288-dd11-92da-001cc4696bcc
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